

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

UNITED STATES OF AMERICA,

Plaintiff,

:

Case No. 1:06-cr-084

- vs -

District Judge Susan J. Dlott

Magistrate Judge Michael R. Merz

SHAWN McDANIEL,

Defendant.

:

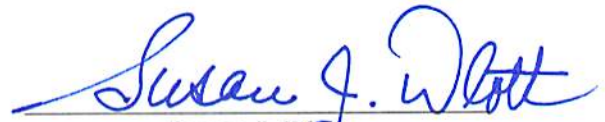
**ORDER ADOPTING SUPPLEMENTAL REPORT AND
RECOMMENDATIONS**

The Court has reviewed the Supplemental Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. No. 143), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on August 12, 2016, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that Mr. McDaniel's Motion to Vacate under 28 U.S.C. § 2255 be, and it hereby is, DISMISSED WITH PREJUDICE. Because reasonable jurists would not disagree with this conclusion, McDaniel is denied a certificate of appealability and the Court certifies to the Sixth Circuit that any appeal would be objectively frivolous and therefore should

not be permitted to proceed *in forma pauperis*.

September 9, 2016.


Susan J. Dlott
United States District Judge